

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SOKUN CHAY,)
)
Plaintiff,)
)
v.) NO. 3:11-1177
) Judge Campbell/Bryant
LEASE FINANCE GROUP, LLC, et al)
)
Defendants.)

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

Plaintiff Sokun Chay, who is proceeding pro se, has filed her motion for summary judgment (Docket Entry No. 49). Defendants have filed a response in opposition (Docket Entry No. 55), and plaintiff has filed a reply (Docket Entry No. 58).

For the reasons stated below, the undersigned Magistrate Judge RECOMMENDS that plaintiff's motion for summary judgment be DENIED.

Analysis

Rule 56 of the Federal Rules of Civil Procedure provides that the court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. This rule further provides that a party asserting that a fact cannot be or is genuinely disputed must support the assertion by citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations, admissions, interrogatory answers, or other materials. Moreover, Local Rule 56.01(b), which governs motions for summary judgment in this district, requires that the moving party accompany any motion for summary judgment with a

separate, concise statement of the material facts as to which the moving party contends there is no genuine issue for trial. Each such fact must be set forth in a separate, numbered paragraph and shall be supported by a specific citation to the record. Following each paragraph the word "response" shall be inserted and a blank space provided reasonably calculated to enable the nonmoving parties to respond to the assertion that the fact is undisputed. Plaintiff Chay has failed to comply with these rules by failing to support her motion for summary judgment as required by Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.01. Specifically, she has failed to cite to portions of the record to support her claim that there is no genuine dispute as to any material fact, she has failed to file the required concise statement of undisputed facts called for by Local Rule 56.01(b), and she has also failed to file any memorandum of law in support of her motion as required by Local Rule 7.01(a).

For the foregoing reasons, the undersigned Magistrate Judge finds that plaintiff Chay's motion for summary judgment should be DENIED.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge RECOMMENDS that plaintiff Chay's motion for summary judgment (Docket Entry No. 49) be DENIED without prejudice to her right to file a properly supported motion for summary judgment in compliance with the rules.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any

objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 26th day of November 2012.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge